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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 United States of America,) No. 12-3387M
10 Plaintiff,) **DETENTION ORDER**
11 vs.)
12)
13 Fidel Lopez-Palomeque,)
14 Defendant.)
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16 In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was
17 held on September 12, 2012. Defendant was present and was represented by counsel. I
18 conclude by a preponderance of the evidence the Defendant is a serious flight risk and the
19 detention of the Defendant pending trial is appropriate.

20 **FINDINGS OF FACT**

21 I find by a preponderance of the evidence that:

- 22 ☒ Defendant is not a citizen of the United States or lawfully admitted for
23 permanent residence.
24 ☒ Defendant, at the time of the charged offense, was in the United States
25 illegally.
26 ☒ The defendant has previously been deported or otherwise removed.
27 ☐ Defendant has no significant contacts in the United States or in the District
28 of Arizona.

CONCLUSIONS OF LAW

- ## DIRECTIONS REGARDING DETENTION

APPEALS AND THIRD PARTY RELEASE

- 2 -

1 18 U.S.C. § 3145, it is defense counsel's responsibility to deliver a copy of the motion for
2 review/reconsideration to Pretrial Services at least one day prior to the hearing set before
3 the assigned District Judge. Pursuant to Rule 59(a), Fed.R.Crim.P. (2010), Defendant
4 shall have **fourteen (14) days** from the date of service of a copy of this order or after the
5 oral order is stated on the record within which to file specific written objections with the
6 district court. Failure to timely file objections in accordance with Rule 59(a) may waive
7 the right to review. Rule 59(a), Fed.R.Crim.P.

8 **IT IS FURTHER ORDERED** that the issue of detention may be reopened at any
9 time before trial upon a finding that information exists that was not known to the movant
10 at the time of the detention hearing and such information has a material bearing on the
11 issue whether there are conditions of release that will reasonably assure the appearance of
12 Defendant as required and/or the safety of any other person or the community. Title 18
13 U.S.C. § 3142(f).

14 **IT IS FURTHER ORDERED** that if a release to a third party is to be considered,
15 it is counsel's responsibility to notify Pretrial Services sufficiently in advance of the
16 hearing to allow Pretrial Services an opportunity to interview and investigate the
17 potential third party custodian.

18 DATED this 13th day of September, 2012.

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21 Lawrence O. Anderson
22 United States Magistrate Judge
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